

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-1141

September Term, 2016

NLRB-32CA119054

NLRB-32CA126896

Filed On: October 18, 2016

Tarlton and Son, Inc.,
Petitioner

v.

National Labor Relations Board,
Respondent

Robert C. Munoz,
Intervenor

BEFORE: Griffith and Pillard, Circuit Judges, and Ginsburg, Senior Circuit Judge

ORDER

Upon consideration of the motion to dismiss case, the opposition thereto, and the reply; the motion to hold in abeyance; and the court's order to show cause filed July 18, 2016 and the response thereto, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED that the motion to dismiss be granted. Contrary to petitioner's argument, the incurable prematurity rule is jurisdictional and requires the dismissal of this case. See Clifton Power Corp. v. FERC, 294 F.3d 108, 112 (D.C. Cir. 2002). It is

FURTHER ORDERED that the motion to hold in abeyance the filing of the certified index to the record be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Robert J. Cavello
Deputy Clerk